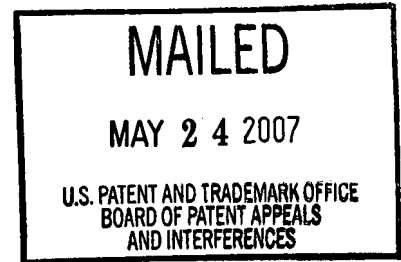


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ALEX S. TOBACK

Application No. 09/639,599



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 13, 2006. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

SUPPLEMENTAL APPEAL BRIEF

A Supplemental Appeal Brief was filed on October 31, 2006, in response to a Notification of Non-Compliant Appeal Brief, mailed September 26, 2006. There is no indication on the record that the above Supplemental Appeal Brief was considered or acknowledged by the examiner. A written communication notifying appellant of the Examiner's consideration is required.

Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration and proper written response to the Supplemental Appeal Brief dated October 31, 2006, is required;
- 2) to notify appellants of such consideration;
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dpv

Alix, Yale & Ristas, LLP
750 Main Street
Suite 1400
Hartford, CT 06103